

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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FILE COPY

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	FINAL DECISION AND ORDER
	:	89 MED 207
ROY D. HANKINS, M.D.,	:	
RESPONDENT.	:	

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The parties to this action for the purposes of Wis. Stats. sec. 227.53 are:

Roy D. Hankins, M.D.  
305 South Morgan  
Mason City, Illinois 62664

Wisconsin Medical Examining Board  
P.O. Box 8935  
Madison, WI 53708-8935

Department of Regulation and Licensing  
Division of Enforcement  
P.O. Box 8935  
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Roy D. Hankins, M.D., Respondent herein, (D.O.B. 9/29/48) is duly licensed and registered to practice medicine and surgery in the State of Wisconsin pursuant to license number 19604, which license was first granted on 8/1/75.
2. Respondent's latest address on file with the Department of Regulation and Licensing is 305 South Morgan, Mason City, Illinois 62664.
3. Respondent's specialty area of practice is psychiatry.
4. That Respondent has not practiced medicine or surgery in the State of Wisconsin since moving to Illinois in June of 1983.

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5. That on January 4, 1989 the director of the Department of Professional Regulation of the State of Illinois ordered that Respondent's license to practice as a physician and surgeon in the State of Illinois be suspended for a period of six months beginning March 1, 1989 and further ordered that following the suspension that Respondent's license to practice in Illinois be placed on probation for a period of two years. The conditions of probation were:

- a. The Respondent shall restrict his practice to child psychiatry;
- b. When it is necessary to see an adult female in individual psychotherapy, the Respondent shall always have another female mental health professional present in the room with him;
- c. The Respondent shall continue in psychotherapy with Dr. James Bortell;
- d. The Respondent shall continue treatment for depression as regulated and supervised by Dr. James Jefferson;
- e. The Respondent shall advise the Department's Probation Unit in writing on a quarterly basis as to his current practice and as to his compliance with these incidents of Probation; and,
- f. The Respondent shall supply to the Department on a quarterly basis written reports from Drs. Bortell and Jefferson as to the Respondent's compliance with paragraphs c and d of the incidents of probation.

6. Respondent's license in Illinois was suspended for six months beginning on March 1, 1989 and Respondent's license was on probation for the two years following the suspension. Respondent complied with all the probationary terms in Illinois and now has a full unlimited license to practice in that state.

7. The Illinois discipline was based upon a stipulation. The facts admitted in the stipulation were that in 1985 Respondent entered into a sexual relationship with a woman with whom he had a psychiatrist-patient relationship. The admitted facts are that the sexual relations did not begin until after treatment had terminated.

8. The patient contends, and testified in a civil action, that there had been sexual contact between herself and Respondent on two occasions prior to the termination of the professional relationship. The Respondent testified in the civil action that there was no sexual contact before termination. The patient's testimony is the only evidence of these events.

9. That on February 20, 1990 the Minnesota Board of Medical Examiners disciplined Respondent based upon his having been disciplined in Illinois as set out in Findings 5, 6 and 7 above. The Minnesota order requires Respondent to comply with the terms and conditions imposed on his Illinois license to practice medicine and further required:

"If Respondent moves to Minnesota to practice medicine and surgery, Respondent shall meet with the Discipline Committee. At that time, the Board may condition or restrict Respondent's license to practice medicine and surgery as deemed necessary to protect the health, welfare or safety of patients."

CONCLUSIONS OF LAW

1. That the Wisconsin Medical Examining Board has authority to enter into this stipulated resolution pursuant to sec. 227.44(5), Wis. Stats.
2. That the Wisconsin Medical Examining Board has jurisdiction over this matter pursuant to sec. 448.02(3), Wis. Stats.
3. That Respondent's conduct, in having been subject to disciplinary action by the medical licensing authorities in Illinois and Minnesota is unprofessional conduct as defined by Wis. Stats. sec. 448.02(3), and Wis. Adm. Code sec. MED 10.02(2)(q).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that if Respondent moves to Wisconsin to practice medicine and surgery, Respondent shall meet with the Board. At that time, the Board may condition or restrict Respondent's license to practice medicine and surgery in the State of Wisconsin as deemed necessary to protect the health, welfare or safety of patients.

Dated at Madison, Wisconsin this 24th day of February, 1993.



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Clark O. Olsen, M.D., Secretary  
Wisconsin Medical Examining Board

JZ:skv  
ATY-2331(1-3)

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
	:	89 MED 207
ROY D. HANKINS, M.D.,	:	
RESPONDENT.	:	

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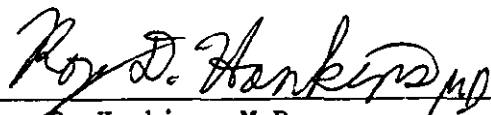
It is hereby stipulated and agreed, by and between, Roy D. Hankins, M.D., Respondent; Tom H. Luetkemeyer of Hinshaw & Culbertson, S.C., attorneys for Respondent; and, John R. Zwieg, attorney for the Wisconsin Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation (file 89 MED 207) by the Department of Regulation and Licensing, Division of Enforcement. Investigative file 89 MED 207, contains allegations that in 1989 Respondent's license to practice as a physician and surgeon in the State of Illinois was suspended and then limited by the Department of Professional Regulation of the State of Illinois.
2. The Respondent understands that by signing the Stipulation he voluntarily and knowingly waives his rights including the right to have a formal complaint issued against him; at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes and the Wisconsin Administrative Code.
3. Respondent is aware of his right to seek legal representation and has exercised that right prior to signing this stipulation.
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Medical Examining Board. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

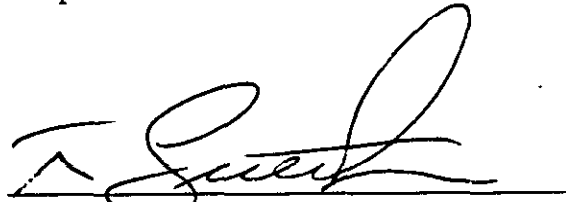
6. The parties to this stipulation agree that the Respondent, his attorney, and the attorney for the Division of Enforcement may appear before the Board for the purposes of speaking in support of this agreement and answering questions that the members of the Board may have in connection with their deliberations on the stipulation.

7. The parties to this stipulation agree that the member of the Board appointed as the investigative advisor in this matter may appear before the Board in open or closed session for the purposes of speaking in support of this agreement and answering questions that the members of the Board may have in connection with their deliberations on the stipulation.

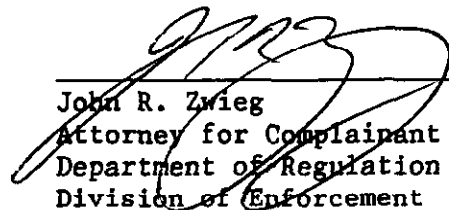
Dated this 24 day of January, 1993.

  
Roy D. Hankins, M.D.  
Respondent

Dated this 11<sup>th</sup> day of February 1993.

  
Tom H. Luetkemeyer  
Hinshaw & Culbertson, S.C.  
Attorney for Respondent

Dated this 30th day of December, 1992.

  
John R. Zwieg  
Attorney for Complainant  
Department of Regulation & Licensing  
Division of Enforcement

ATY2-3245

## NOTICE OF APPEAL INFORMATION

(Notice of Rights for Rehearing or Judicial Review,  
the times allowed for each, and the identification  
of the party to be named as respondent)

The following notice is served on you as part of the final decision:

### 1. Rehearing.

Any person aggrieved by this order may petition for a rehearing within 20 days of the service of this decision, as provided in section 227.48 of the Wisconsin Statutes, a copy of which is attached. The 20 day period commences the day after personal service or mailing of this decision. (The date of mailing of this decision is shown below.) The petition for rehearing should be filed with The State of Wisconsin Medical Examining Board.

A petition for rehearing is not a prerequisite for appeal directly to circuit court through a petition for judicial review.

### 2. Judicial Review.

Any person aggrieved by this decision has a right to petition for judicial review of this decision as provided in section 227.53 of the Wisconsin Statutes, a copy of which is attached. The petition should be filed in circuit court and served upon the State of Wisconsin Medical Examining Board

within 30 days of service of this decision if there has been no petition for rehearing, or within 30 days of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30 day period commences the day after personal service or mailing of the decision or order, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing of this decision is shown below.) A petition for judicial review should be served upon, and name as the respondent, the following: the State of Wisconsin Medical Examining Board.

The date of mailing of this decision is February 25, 1993.



**227.49 Petitions for rehearing in contested cases.** (1) A petition for rehearing shall not be a prerequisite for appeal or review. Any person aggrieved by a final order may, within 20 days after service of the order, file a written petition for rehearing which shall specify in detail the grounds for the relief sought and supporting authorities. An agency may order a rehearing on its own motion within 20 days after service of a final order. This subsection does not apply to s. 17.025 (3) (e). No agency is required to conduct more than one rehearing based on a petition for rehearing filed under this subsection in any contested case.

(2) The filing of a petition for rehearing shall not suspend or delay the effective date of the order, and the order shall take effect on the date fixed by the agency and shall continue in effect unless the petition is granted or until the order is superseded, modified, or set aside as provided by law.

(3) Rehearing will be granted only on the basis of:

(a) Some material error of law.

(b) Some material error of fact.

(c) The discovery of new evidence sufficiently strong to reverse or modify the order, and which could not have been previously discovered by due diligence.

(4) Copies of petitions for rehearing shall be served on all parties of record. Parties may file replies to the petition.

(5) The agency may order a rehearing or enter an order with reference to the petition without a hearing, and shall dispose of the petition within 30 days after it is filed. If the agency does not enter an order disposing of the petition within the 30-day period, the petition shall be deemed to have been denied as of the expiration of the 30-day period.

(6) Upon granting a rehearing, the agency shall set the matter for further proceedings as soon as practicable. Proceedings upon rehearing shall conform as nearly may be to the proceedings in an original hearing except as the agency may otherwise direct. If in the agency's judgment, after such rehearing it appears that the original decision, order or determination is in any respect unlawful or unreasonable, the agency may reverse, change, modify or suspend the same accordingly. Any decision, order or determination made after such rehearing reversing, changing, modifying or suspending the original determination shall have the same force and effect as an original decision, order or determination.

**227.52 Judicial review; decisions reviewable.** Administrative decisions which adversely affect the substantial interests of any person, whether by action or inaction, whether affirmative or negative in form, are subject to review as provided in this chapter, except for the decisions of the department of revenue other than decisions relating to alcohol beverage permits issued under ch. 125, decisions of the department of employee trust funds, the commissioner of banking, the commissioner of credit unions, the commissioner of savings and loan, the board of state canvassers and those decisions of the department of industry, labor and human relations which are subject to review, prior to any judicial review, by the labor and industry review commission, and except as otherwise provided by law.

**227.53 Parties and proceedings for review.** (1) Except as otherwise specifically provided by law, any person aggrieved by a decision specified in s. 227.52 shall be entitled to judicial review thereof as provided in this chapter.

(a) 1. Proceedings for review shall be instituted by serving a petition therefor personally or by certified mail upon the agency or one of its officials, and filing the petition in the office of the clerk of the circuit court for the county where the judicial review proceedings are to be held. If the agency whose decision is sought to be reviewed is the tax appeals commission, the banking review board or the consumer credit review board, the credit union review board or the savings and loan review board, the petition shall be served upon both the agency whose decision is sought to be reviewed and the corresponding named respondent, as specified under par. (b) 1 to 4.

2. Unless a rehearing is requested under s. 227.49, petitions for review under this paragraph shall be served and filed within 30 days after the service of the decision of the agency upon all parties under s. 227.48. If a rehearing is requested under s. 227.49, any party desiring judicial review shall serve and file a petition for review within 30 days after service of the order finally disposing of the application for rehearing, or within 30 days after the final disposition by operation of law of any such application for rehearing. The 30-day period for serving and filing a petition under this paragraph commences on the day after personal service or mailing of the decision by the agency.

3. If the petitioner is a resident, the proceedings shall be held in the circuit court for the county where the petitioner resides, except that if the petitioner is an agency, the proceedings shall be in the circuit court for the county where the respondent resides and except as provided in ss. 77.59 (6) (b), 182.70 (6) and 182.71 (5) (g). The proceedings shall be in the circuit court for Dane county if the petitioner is a nonresident. If all parties stipulate and the court to which the parties desire to transfer the proceedings agrees, the proceedings may be held in the county designated by the parties. If 2 or more petitions for review of the same decision are filed in different counties, the circuit judge for the county in which a petition for review of the decision was first filed shall determine the venue for judicial review of the decision, and shall order transfer or consolidation where appropriate.

(b) The petition shall state the nature of the petitioner's interest, the facts showing that petitioner is a person aggrieved by the decision, and the grounds specified in s. 227.57 upon which petitioner contends that the decision should be reversed or modified. The petition may be amended, by leave of court, though the time for serving the same has expired. The petition shall be entitled in the name of the person serving it as petitioner and the name of the agency whose decision is sought to be reviewed as respondent, except that in petitions